

AMENDED IN ASSEMBLY MAY 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 296

Introduced by Assembly Member Wagner

February 11, 2013

An act to amend Section 6062 of the Business and Professions Code, relating to attorneys.

LEGISLATIVE COUNSEL'S DIGEST

AB 296, as amended, Wagner. Attorneys.

~~Existing law, the State Bar Act, regulates attorneys and the practice of law in the state.~~ *law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation.* Existing law requires, among other requirements, that an individual who has been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency the United States may acquire, pass the general bar examination, or Attorneys' Examination, as specified, to be certified to the Supreme Court for admission, and a license to practice law. Existing law requires an individual who has been admitted to practice law in a jurisdiction other than a sister state, United States jurisdiction, possession, or territory, to have passed the general bar examination, as specified, among other requirements.

~~This bill would authorize an individual~~ *a person* who has been an active member in good standing of the bar of a sister state or United States jurisdiction, possession, or territory and who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in the state, as specified, to apply to receive a provisional license

to practice law in the state without first taking the State Bar examination. This state. The bill would provide that the provisional license confers all the same rights, benefits, duties, and responsibilities to practice law as a regular license so long as the active member of the Armed Forces is assigned to a duty station in the state or until the provisional licenseholder passes the Attorneys' Examination. This bill would require an applicant to meet various filing requirements in order to be eligible for the grant of that provisional license. license, except as provided. The bill would require an applicant for a provisional license to meet certain requirements, including, among other things, being at least 18 years of age and of good moral character and would require the State Bar to expedite all moral character investigations or proceedings for provisional license applicants. The bill would require a provisional licenseholder, as a condition of provisional licensure, to (1) take the first general bar examination or Attorneys' Examination administered at least 90 calendar days after his or her moral character determination application is submitted to the State Bar, as specified, (2) associate with an active member of the State Bar, and (3) disclose his or her provisional licensure in any contract for legal services. The bill would provide that failure to comply these conditions shall be grounds to revoke the provisional license. The bill would provide for the expiration of a provisional license under certain conditions, but would, notwithstanding these conditions, only authorize a provisional license to be valid while the active duty member of the Armed Forces is assigned a duty station in California under official active duty military orders.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6062 of the Business and Professions
- 2 Code is amended to read:
- 3 6062. (a) To be certified to the Supreme Court for admission,
- 4 and a license to practice law, a person who has been admitted to
- 5 practice law in a sister state, United States jurisdiction, possession,
- 6 territory, or dependency the United States may hereafter acquire,
- 7 shall:
- 8 (1) ~~Be of the age of at least 18 years.~~ *Be at least 18 years of*
- 9 *age.*
- 10 (2) Be of good moral character.

(3) Have passed the general bar examination given by the examining committee. However, if that person has been an active member in good standing of the bar of the admitting sister state or United States jurisdiction, possession, or territory for at least four years immediately preceding the first day of the examination applied for, he or she may elect to take the Attorneys' Examination rather than the general bar examination. Attorneys admitted less than four years and attorneys admitted four years or more in another jurisdiction but who have not been active members in good standing of their admitting jurisdiction for at least four years immediately preceding the first day of the examination applied for must take the general bar examination administered to general applicants not admitted as attorneys in other jurisdictions.

(4) Have passed an examination in professional responsibility or legal ethics as the examining committee may prescribe.

(b) (1) ~~An individual~~ *A person* who has been an active member in good standing of the bar of an admitting sister state ~~of~~ *or* United States jurisdiction, possession, or territory who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders, may apply to receive a provisional license to practice law in California, which shall confer all of the same rights, benefits, duties, and responsibilities as a license to practice law in California, *except as provided in this subdivision*. A provisional license to practice law shall be granted to an applicant ~~that~~ *who* meets the following requirements:

(A) *Is at least 18 years of age.*

(B) *Is of good moral character.*

(C) *Has passed an examination in professional responsibility or legal ethics as the examining committee may prescribe.*

~~(A)~~

(D) ~~Supplies evidence satisfactory to the State Bar of California~~ that he or she is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

~~(B)~~

(E) Holds a current license to practice law in another state, district, or territory of the United States.

1 ~~(E)~~

2 (F) Establishes that he or she is not currently subject to lawyer
3 discipline or the subject of a pending disciplinary matter in any
4 jurisdiction.

5 ~~(D)~~

6 (G) Pays annual bar membership dues.

7 ~~(E)~~

8 (H) Complies with all ethical, legal, and continuing legal
9 education obligations.

10 ~~(2) The provisional license shall be valid until the active duty~~
11 ~~member of the Armed Forces is no longer assigned a duty station~~
12 ~~in California under official active duty military orders or until the~~
13 ~~provisional licenseholder has passed the Attorneys' Examination.~~

14 (2) *The State Bar shall expedite all moral character*
15 *investigations or proceedings for provisional license applicants.*

16 (3) *A provisional licenseholder shall, as a condition of*
17 *provisional licensure, comply with all of the following:*

18 (A) *Take the first general bar examination or Attorneys'*
19 *Examination administered at least 90 calendar days after his or*
20 *her moral character determination application is submitted to the*
21 *State Bar. A provisional licenseholder who has been an active*
22 *member of an admitting sister state or United States jurisdiction,*
23 *possession, or territory for less than four years immediately*
24 *preceding the first day of the examination applied for must take*
25 *the general bar examination administered to general applicants*
26 *not admitted as attorneys in other jurisdictions. A provisional*
27 *licenseholder who has been an active member in good standing*
28 *of the bar of the admitting sister state or United States jurisdiction,*
29 *possession, or territory for at least four years immediately*
30 *preceding the first day of the examination applied for may elect*
31 *to take the Attorneys' Examination rather than the general bar*
32 *examination.*

33 (B) *Associate with an active member of the State Bar.*

34 (C) *Disclose his or her provisional licensure in any contract*
35 *for legal services.*

36 *Failure to comply with this paragraph shall be grounds for*
37 *revocation of the provisional license.*

38 (4) *If the provisional licenseholder does not pass the general*
39 *bar examination or Attorneys' Examination taken pursuant to*
40 *subparagraph (A) of paragraph (3), the provisional license shall*

1 *expire on the date the examination results become available. If*
2 *the provisional licenseholder passes the general bar examination*
3 *or Attorneys' Examination, the provisional license shall expire on*
4 *the date the provisional licenseholder takes the oath of admission.*
5 *Notwithstanding these provisions or any other law, a provisional*
6 *license shall only be valid while the active duty member of the*
7 *Armed Forces is assigned a duty station in California under official*
8 *active duty military orders.*

9 (c) To be certified to the Supreme Court for admission, and a
10 license to practice law, a person who has been admitted to practice
11 law in a jurisdiction other than in a sister state, United States
12 jurisdiction, possession, or territory shall:

13 (1) ~~Be of the age of at least 18 years.~~ *Be at least 18 years of*
14 *age.*

15 (2) Be of good moral character.

16 (3) Have passed the general bar examination given by the
17 examining committee.

18 (4) Have passed an examination in professional responsibility
19 or legal ethics as the examining committee may prescribe.

20 (d) The amendments to this section made at the 1997–98 Regular
21 Session of the Legislature shall be applicable on and after January
22 1, 1997, and do not constitute a change in, but are declaratory of,
23 existing law.